

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4121

To confirm limitations on the height of buildings and roof structures in the District of Columbia, to expand the authority of the National Capital Planning Commission to enforce such limitations, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 1994

Mr. STARK introduced the following bill; which was referred to the Committee on the District of Columbia

---

## A BILL

To confirm limitations on the height of buildings and roof structures in the District of Columbia, to expand the authority of the National Capital Planning Commission to enforce such limitations, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “District of Columbia  
5       Building Heights Act of 1994”.

1 **SEC. 2. LIMITATIONS ON HEIGHT OF BUILDINGS IN DIS-**  
2 **TRICT OF COLUMBIA.**

3 (a) USE OF STREET WIDTH TO DETERMINE MAXI-  
4 MUM HEIGHT OF BUILDING.—Section 5(a) of the Act en-  
5 titled “An Act to regulate the height of buildings in the  
6 District of Columbia”, approved June 1, 1910 (sec. 5–  
7 405(a), D.C. Code), is amended—

8 (1) by striking “the course of which” and in-  
9 serting “the alignment of which”; and

10 (2) by adding at the end the following: “For  
11 purposes of this subsection, a ‘street’ includes any  
12 road, avenue, drive, cart way, or other route open to  
13 the public as a regular right-of-way, but does not in-  
14 clude an alley.”.

15 (b) LIMITATIONS ON SIZE AND HEIGHT OF ROOF  
16 STRUCTURES.—Section 5(h) of such Act (sec. 5–405(h),  
17 D.C. Code) is amended by striking “Spires, towers,” and  
18 all that follows through “the adjacent roof:” and inserting  
19 the following: “Roof structures that are not constructed  
20 or used for human occupancy (including structures hous-  
21 ing machinery or equipment) may be erected to a greater  
22 height than any limit otherwise prescribed in this Act if  
23 approved by the Mayor of the District of Columbia, except  
24 that in no event may a roof structure be higher than 18  
25 ½ feet above the roof upon which it is located: *Provided*,  
26 that such structures when above such limit shall be fire-

1 proof: *Provided further*, that the area of such a structure  
 2 may not exceed  $\frac{1}{3}$  of the total roof area for those districts  
 3 where there is a limitation on the number of stories or  
 4  $\frac{1}{2}$  of the total roof area for any other districts: *Provided*  
 5 *further*, that there may be an increase in the allowable  
 6 floor area ratio for such a structure of not more than 0.25:  
 7 *Provided further*, that such a structure shall be set back  
 8 from the exterior or bounding walls of the building upon  
 9 which the structure is placed at distances equal to the  
 10 structure's height above the adjacent roof: *Provided fur-*  
 11 *ther*, that for purposes of this subsection, an 'exterior or  
 12 bounding wall' of a building is any wall having a dimen-  
 13 sion of 4 feet or more in height or horizontal depth ex-  
 14 posed to the outside (without regard to whether the wall  
 15 abuts another structure), and a 'roof' is the exterior sur-  
 16 face and supporting structure on the top of a building:  
 17 *Provided further*, that for purposes of this subsection a  
 18 skylight shall not be considered a roof structure if it is  
 19 less than 5 feet in height:".

20 (c) INCREASE IN PENALTIES FOR VIOLATIONS.—

21 (1) GENERAL PENALTY FOR VIOLATION.—Sec-  
 22 tion 8 of such Act (sec. 5-408, D.C. Code) is  
 23 amended by striking "not less than \$10 nor more  
 24 than \$100 per day" and inserting "not more than  
 25 \$10,000 per day".

1           (2) PENALTY FOR VIOLATION OF INJUNC-  
 2           TION.—Section 8 of such Act (sec. 5–408, D.C.  
 3           Code) is amended by striking “not less than \$100  
 4           nor more than \$500,” and inserting “not more than  
 5           \$100,000,”.

6   **SEC. 3. INCREASE IN AUTHORITY OF NATIONAL CAPITAL**  
 7                           **PLANNING COMMISSION TO ENFORCE BUILD-**  
 8                           **ING HEIGHT LIMITATIONS.**

9           (a) REQUIRING NCPC APPROVAL FOR ROOF STRUC-  
 10          TURES EXCEEDING GENERAL LIMITATIONS.—

11           (1) IN GENERAL.—Section 5(h) of the Act enti-  
 12          tled “An Act to regulate the height of buildings in  
 13          the District of Columbia”, approved June 1, 1910  
 14          (sec. 5–405(h), D.C. Code), as amended by section  
 15          2(b), is amended by striking “Mayor of the District  
 16          of Columbia,” and inserting “Mayor of the District  
 17          of Columbia and the National Capital Planning  
 18          Commission,”.

19           (2) CONFORMING AMENDMENT.—Section 5(c)  
 20          of the Act entitled “An Act providing for a com-  
 21          prehensive development of the park and playground  
 22          system of the National Capital”, approved June 6,  
 23          1924 (sec. 1–2004(c), D.C. Code; 40 U.S.C. 71d(c)),  
 24          is amended—

1 (A) by inserting after “the Council,” the  
2 following: “and to include the approval of the  
3 height of any roof structure of any building in  
4 the District of Columbia (as described in sec-  
5 tion 5(h) of the Act entitled ‘An Act to regulate  
6 the height of buildings in the District of Colum-  
7 bia’, approved June 1, 1910),”; and

8 (B) by striking the period at the end and  
9 inserting the following: “, and its approval or  
10 disapproval respecting any such height within  
11 45 days after the day it was submitted to the  
12 Commission.”.

13 (b) PERMITTING NCPC OR MEMBERS TO REQUEST  
14 NCPC APPROVAL OF HEIGHT OF ANY BUILDING IN DIS-  
15 TRICT.—Section 5(c) of the Act entitled “An Act provid-  
16 ing for a comprehensive development of the park and play-  
17 ground system of the National Capital”, approved June  
18 6, 1924 (sec. 1–2004(c), D.C. Code; 40 U.S.C. 71d(c)),  
19 as amended by subsection (a)(2), is amended by inserting  
20 after “June 1, 1910),” the following: “and, at the request  
21 of the Commission or any of its members, the determina-  
22 tion of whether the height of any building proposed to be  
23 constructed in the District of Columbia meets the require-  
24 ments of such Act,”.

1 (c) PROVIDING STANDING FOR NCPC OR MEMBERS  
2 TO ENFORCE BUILDING HEIGHT LIMITATIONS.—

3 (1) AUTHORITY UNDER BUILDING HEIGHTS  
4 ACT.—Section 8 of the Act entitled “An Act to regu-  
5 late the height of buildings in the District of Colum-  
6 bia”, approved June 1, 1910 (sec. 5–408, D.C.  
7 Code), is amended—

8 (A) in the first sentence, by striking “his  
9 assistants” and inserting “his assistants, or by  
10 the National Capital Planning Commission or  
11 any of its members,”; and

12 (B) in the second sentence, by inserting  
13 after “District of Columbia” the first place it  
14 appears the following: “or the National Capital  
15 Planning Commission or any of its members”.

16 (2) AUTHORITY OF COMMISSION.—Section 5 of  
17 the Act entitled “An Act providing for a comprehen-  
18 sive development of the park and playground system  
19 of the National Capital”, approved June 6, 1924  
20 (sec. 1–2004, D.C. Code; 40 U.S.C. 71d) is amended  
21 by adding at the end the following new subsection:  
22 “(f) The Commission and each of its members shall  
23 have standing to enforce any limitation on the heights of  
24 buildings and structures in the District of Columbia de-  
25 scribed in the Act entitled ‘An Act to regulate the height

1 of buildings in the District of Columbia', approved June  
2 1, 1910.'".

3 (3) CONFORMING AMENDMENT.—Section 11 of  
4 the Act of June 20, 1938 (52 Stat. 801; sec. 5–427,  
5 D.C. Code) is amended by adding at the end the fol-  
6 lowing: “Nothing in this section shall be construed  
7 to limit the standing of the National Capital Plan-  
8 ning Commission or its members to enforce any limi-  
9 tation on the heights of buildings and structures in  
10 the District of Columbia pursuant to section 5(f) of  
11 the Act entitled ‘An Act providing for a comprehen-  
12 sive development of the park and playground system  
13 of the National Capital’, approved June 6, 1924.'".

14 **SEC. 4. EFFECTIVE DATE.**

15 The amendments made by this Act shall apply with  
16 respect to buildings or structures in the District of Colum-  
17 bia for which building permits are issued on or after  
18 March 23, 1994.

○